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JC962 U.S. PTO

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5.17.02  
Attorney Docket P2533C2  
4/14 PATENT

jc490 U.S. PTO  
09/723703

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11/28/00

CERTIFICATION UNDER 37 CFR 1.10

EL 599 585 967 US Express Mail Number

November 28, 2000, Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.



Pamela Gavette

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

David Botstein, Belmont, California  
Audrey Goddard, San Francisco, California  
David A. Lawrence, San Francisco, California  
Diane Pennica, Burlingame, California  
Margaret Ann Roy, San Francisco, California  
William I. Wood, Hillsborough, California

Title: **CARDIOTROPHIN-1 COMPOSITIONS AND METHODS FOR THE TREATMENT OF TUMOR**

1. Type of Application

This application is for an original, non-provisional application.

This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.

This is a  continuation-in-part  continuation  divisional application claiming priority to application Serial Number 09/234,730, filed January 21, 1999, which is a non-provisional application of Application Serial No. 09/033,114, filed March 2, 1998, which is a continuation of U.S. Application Serial No. 08/733,850 filed October 18, 1996, now abandoned, which is a continuation of U.S. Application Serial No. 08/443,129 filed May 17, 1995, issued May 6, 1997 as U.S. Patent No. 5,627,073, which is a divisional application of U.S. Application Serial No. 08/286,304 filed August 5, 1994, issued November 5, 1996 as U.S. Patent No. 5,571,893, which is a continuation-in-part of U.S. Application Serial No. 08/233,609 filed April 25, 1994, issued July 9, 1996 as U.S. Patent No. 5,534,615, and to U.S. Provisional Application Serial No. 60/113,296, filed December 22, 1998, the entire disclosure of which is hereby incorporated by reference.

2. **Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)  
(Non-provisional )**

61 pages of specification  
2 pages of claims  
1 page(s) of abstract  
13 sheet(s) of drawings  
[X] formal  informal  
5 pages of sequence listing

3. **Declaration or Oath**

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*  
— An executed declaration of the inventor(s)  is enclosed  will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*  
X A copy of the unsigned declaration/oath as filed in the prior application is enclosed (37 CFR 1.63(d)), as well as a copy of the executed declaration/oath as filed in the parent application on November 22, 2000.

*(for Cont./Div. where inventor(s) being deleted)*  
— A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. **Assignment**

*(for new and CIP applications)*  
— An Assignment of the invention to GENENTECH, INC.  is enclosed with attached Recordation Form Cover Sheet  will follow.

*(for cont./div.)*  
X The prior application is assigned of record to Genentech, Inc.

5. **Amendments *(for continuation and divisional applications)***

✓ X Cancel in this application original claims 2, 4-23 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)  
— X A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

## Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

Amend the specification by inserting before the first line the sentence:

--This is a

non-provisional application  
 continuation  
 divisional  
 continuation-in-part

of co-pending application(s)

Serial Number 09/234,730, filed January 21, 1999, which is a non-provisional application of Application Serial No. 09/033,114, filed March 2, 1998, which is a continuation of U.S. Application Serial No. 08/733,850 filed October 18, 1996, now abandoned, which is a continuation of U.S. Application Serial No. 08/443,129 filed May 17, 1995, issued May 6, 1997 as U.S. Patent No. 5,627,073, which is a divisional application of U.S. Application Serial No. 08/286,304 filed August 5, 1994, issued November 5, 1996 as U.S. Patent No. 5,571,893, which is a continuation-in-part of U.S. Application Serial No. 08/233,609 filed April 25, 1994, issued July 9, 1996 as U.S. Patent No. 5,534,615, and to U.S. Provisional Application Serial No. 60/113,296, filed December 22, 1998, which applications are incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120. --

International Application filed on which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--

provisional application No. filed , the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.--

6. **Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$710.00
Total Claims	14	- 20 =	0	X \$18.00	\$0.00
Independent Claims	2	- 3 =	0	X \$80.00	\$0.00
Multiple dependent claim(s), if any				+ \$270.00	\$0.00
Filing Fee Calculation					\$710.00

7. **Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$710.00. A duplicate copy of this transmittal is enclosed.

8. **Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. A duplicate copy of this sheet is enclosed.

9. **Additional Papers Enclosed**

- Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- A new Power of Attorney or authorization of agent.
- Other:

10. **Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- \_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- \_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

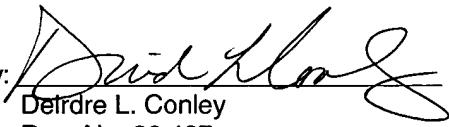
**11. Correspondence Address:**

Address all future communications to:

Attn: Deirdre L. Conley

Respectfully submitted,  
GENENTECH, INC.

Date: November 28, 2000

By:   
Deirdre L. Conley  
Reg. No. 36,487  
Telephone No. (650) 225-2066



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PATENT TRADEMARK OFFICE